

REMARKS

In response to the final Office Action of 9 February 2006 and Advisory Action of 18 May 2006, the Applicants file a Request for Continued Examination (RCE) and this Amendment. After carefully reviewing and considering the amended claims in light of the comments presented in this document it is believed the Examiner will agree that the presently pending claims patentably distinguish over the prior art and should be formally allowed.

- A. Claim 1, 3, 5, 9–13 and 15 clearly patentably distinguish over U.S. Patent 5,660,908 to Kelman et al. when considered in combination with U.S. Patent 6,497,950 to Haile et al.**

In formulating this rejection the Examiner acknowledges that the Kelman et al. reference does not specifically disclose bicomponent fibers. The Examiner cites the Haile et al. patent to provide this teaching and then combines Kelman et al. and Haile et al. to formulate the complete rejection. As will be clear from the following comments, this proposed combination of references and modification of the Kelman et al. patent is improper and, accordingly, the rejection of claims 1, 3, 5, 9–13 and 15 should be withdrawn.

More specifically, the primary reference to Kelman et al. very clearly relates to a "recyclable" automotive headliner consisting of 100% polyethylene terephthalate (PET) material. See, for example, the title, the abstract and the text of the application at, for example, col. 2 lines 13–15. In fact, the Kelman et al.

reference explicitly states at col. 1 lines 31–35, "[a]n object of the present invention is to provide a high strength automotive headliner that can be scrapped and recycled without separating the constituent parts thereof and to do so by an automotive headliner that consists 100% of PET material." Clearly the intended purpose of the primary reference to Kelman et al. is to provide a headliner of 100% PET material that is easily recycled.

The secondary reference to Haile et al. does refer to bicomponent fibers. However, it is significant to note that those bicomponent fibers are made from mixed polymers. More specifically, as stated at col. 13 lines 39–49:

In a bicomponent fiber of the invention, the polyesters of this invention will be present in amounts of about 10 to about 75 weight % of the bicomponent fiber. The other component may be selected from a wide range of other polymeric materials including, but not limited to, polyesters such as polyethylene terephthalate (PET), polytrimethylene terephthalate (PTT), polybutylene terephthalate (PBT), polycyclohexylenedimethylene terephthalate polyesters (PCT), polyethylene naphthalenedicarboxylate (PEN), and polylactic acid based polymers or mixtures thereof. (emphasis added.)

If one modifies the Kelman et al. reference to include bicomponent fibers of mixed polymers as explicitly taught in the Haile et al. reference, the modification makes Kelman et al. unsatisfactory for its intended purpose: that is, the provision of an easily recyclable headliner made of 100% PET material. As stated in the MPEP at § 2143.01, "[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733

F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Thus, it is clear that the proposed combination of references is improper and claims 1, 3, 5, 9–13 and 15 should therefore be allowed.

B. Claims 4 and 8 also very clearly patentably distinguish over the Kelman et al. patent when considered in combination with the Haile et al. patent and U.S. Patent 5,892,187 to Patrick.

As noted above, the primary reference to Kelman et al. requires a headliner made from 100% PET material. The secondary reference to Haile et al. teaches bicomponent fibers made from mixed polymers. Mixed polymers are not 100% PET material and, accordingly, any modification of the primary reference to Kelman et al. relating to the incorporation of mixed polymer bicomponent fibers as taught by Haile renders the Kelman et al. headliner unsatisfactory for its intended purpose and, accordingly, this rejection of claims 4 and 8 must also fail. Accordingly, claims 4 and 8 should also be allowed.

C. New claims 38–46 also very clearly patentably distinguish over the cited art and should be allowed.

New independent claim 38 reads on a liner/insulator incorporating fibrous material selected from a group of materials consisting of (a) glass staple fibers and glass bicomponent fibers, (b) glass staple fibers and thermoplastic bicomponent fibers and (c) a combination of (a) and (b). In contrast, the primary reference to

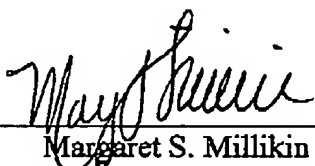
Kelman et al. explicitly requires 100% PET material. Stated another way the primary reference to Kelman et al. explicitly teaches away from the present invention as set forth in claims 38-46 and those claims should therefore be allowed.

D. Conclusion.

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Any fees required in connection with this Amendment may be debited to Deposit Account 50-0568.

Respectfully submitted,

By: 
Margaret S. Millikin
Reg. No. 38,969

Owens Corning
Patent Dept. Bldg. 11
2790 Columbus Road
Granville, Ohio 43023
(740) 321-7167